

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

MELISSA FORCIER,)
Plaintiff,)
v.) C.A. No. 16-121 S
ARMAND E. BINETTE, in his official)
capacity as Senior Housing)
Inspector of the Minimum Housing)
Division of the City of Woonsocket,)
Rhode Island, and the CITY OF)
WOONSOCKET, RHODE ISLAND,)
Defendants.)

)

ORDER

WILLIAM E. SMITH, Chief Judge.

Before the Court is Defendants' Motion to Dismiss. (ECF No. 6.) The Complaint alleges that Defendants deprived Plaintiff of a property interest in violation of the Fifth and Fourteenth Amendments to the United States Constitution (Count I) as well as several state laws (Counts 2-5). (See Compl. 13-15, ECF No. 1.) This matter was referred to Magistrate Judge Patricia Sullivan, who recommends that Defendants' motion be granted. (Report and Recommendation ("R & R"), ECF No. 10.) More specifically, Magistrate Judge Sullivan recommends that Plaintiff's claims arising under the Fifth and Fourteenth Amendments be dismissed with prejudice because Plaintiff has not

alleged a deprivation of a constitutionally protected property interest. With the federal claims dismissed, Magistrate Judge Sullivan further recommends that Plaintiff's state law claims be dismissed without prejudice. (See id. at 22 n.13.) Plaintiff filed an Objection, waiving certain previously-made arguments¹, but continuing to assert that Plaintiff was deprived of a constitutionally protected property interest. (See Obj. to R & R 3, ECF No. 13-1.)

The substance of Plaintiff's arguments in her Objection to the Report and Recommendation were previously made in her Objection to Defendants' Motion to Dismiss (ECF No. 8-1) and are addressed in Magistrate Sullivan's Report and Recommendation. After careful consideration of Plaintiff's arguments, the Court ACCEPTS the Report and Recommendation's finding that Plaintiff fails to assert a constitutionally protected property interest in her Complaint. Defendants' Motion to Dismiss (ECF No. 6) is therefore GRANTED. Plaintiff's federal claims under the Fifth and Fourteenth Amendments (Count 1) are DISMISSED WITH PREJUDICE, and Plaintiff's state law claims (Counts 2-5) are DISMISSED WITHOUT PREJUDICE. Judgment shall enter accordingly.

¹ Plaintiff withdrew her substantive due process arguments as well as her claims against Defendant Binette. (See Obj. to R & R 3, ECF No. 13-1.)

IT IS SO ORDERED.

WEAMIN

William E. Smith
Chief Judge
Date: March 13, 2017